



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FEB 8 2010

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Laliberty, Vice President, Operations
Illinois Electrical Generation Partners, L.L.C.
1420 Church Street, Unit D
Bohemia, New York 11716

Re: Finding of Violation
Countryside Genco, LLC.
Grayslake, Illinois

Dear Mr. Laliberty:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Countryside Genco, LLC. The FOV is being issued under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are in violation of the terms of the New Source Performance Standards General Provisions at 40 C.F.R. Part 60, Subpart A, Construction Permit No. 98050077, and Title V Permit No. 02020063 at your Grayslake, Illinois facility.

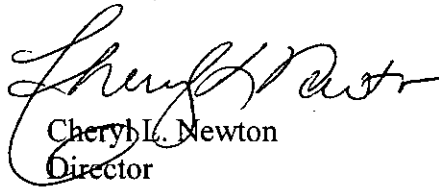
We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The technical contact in this matter is Joseph Ulfing. You may call him at (312) 353-8205 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter.

We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton", is written over the printed name and title.

Cheryl L. Newton
Director

Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	FINDING OF VIOLATION
Countryside Genco, LLC.)	
Grayslake, Illinois)	EPA-5-10-08-IL
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	

FINDING OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Finding of Violation under Section 113(a) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a). U.S. EPA finds that Countryside Genco, LLC. (Countryside Genco) in Grayslake, Illinois, is violating the New Source Performance Standards (NSPS) General Provisions at 40 C.F.R. Part 60, Subpart A; its Construction Permit No. 98050077; and Title V Permit No. 02020063, as follows:

Regulatory Authority

1. Section 113(a) of the CAA, 42 U.S.C. § 7413(a), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan or permit.
2. Section 111 of the CAA, 42 U.S.C. § 7411, requires EPA to implement the New Source Performance Standards (NSPS) program. The NSPS are nationally uniform emission standards for new or modified stationary sources falling within industrial categories that significantly contribute to air pollution.
3. Title V of the CAA, 42 U.S.C. §§ 7661 et seq., established an operating permit program for major sources of air pollution. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), provides that each state must submit to the Administrator of U.S. EPA a permit program meeting the requirements of Title V.

4. Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), the Administrator promulgated regulations, subsequently codified at 40 C.F.R. Part 70, providing for the establishment of Title V permitting programs.

5. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

Countryside Genco's Facility

6. Countryside Genco operates a landfill-gas-to-energy plant on North Route 83 in Grayslake, Illinois (Facility). This Facility is the primary control device for the Countryside Landfill.

7. Illinois Environmental Protection Agency (IEPA) issued Construction Permit No. 98050077 for the Facility to Countryside Genco. This permit covers the construction and operation of a landfill-gas-to-energy facility.

8. IEPA issued Title V Permit No. 02020063 for the Facility to Countryside Genco on November 25, 2002.

9. Condition 7.1.3(c) of the Facility's Title V Permit provides that the source is subject to the NSPS for Municipal Solid Waste Landfills, 40 C.F.R. Part 60, Subparts A and WWW.

10. NSPS Subpart A, at 40 C.F.R. § 60.11(d), requires that Countryside Genco maintain and operate the Facility, as an affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.

11. Condition 7.1.6(c)(ii) of the Facility's Title V Permit, and Construction Permit No. 98050077, require that emissions of sulfur dioxide from the six landfill gas fired internal combustion engines not exceed 3.12 pounds per hour or 13.7 tons per year.

12. Countryside Landfill, the source of fuel for Countryside Genco, accepted drywall fines from early 2008 through December 2008. This has caused an elevated level of sulfur compounds in the gas emitted from the landfill, including the gas used by the Facility.

13. When sulfur compounds are combusted in air, sulfur dioxide is produced.

14. Countryside Landfill has reported sulfur dioxide emissions from its flare in excess of 6.28 pounds per hour and 27.49 tons per year.

15. Since the Facility burns more landfill gas for a greater duration of time than Countryside Landfill's flare, the Facility is emitting, at a minimum, the amount of sulfur dioxide emitted by Countryside Landfill's flare.

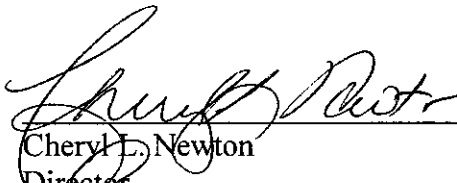
Violations

16. By combusting at the Facility landfill gas with elevated levels of sulfur compounds, Countryside Genco is in violation of Condition 7.1.3(c) of the Facility's Title V Permit and NSPS Subpart A, at 40 C.F.R. § 60.11(d).

17. By emitting sulfur dioxide in excess of 3.12 pounds per hour and 13.7 tons per year from the Facility's six engines, Countryside Genco is in violation of Construction Permit No. 98050077, and Title V Permit Condition 7.1.6(c)(ii).

18. Countryside's violation of its Title V Operating Permit and Construction Permit constitutes violation of section 502 of the CAA and 40 C.F.R. § 70.7(b).

2/8/10
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING


I, Betty Williams, do hereby certify that a Finding of Violation of the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Steve Laliberty, Vice President, Operations
Illinois Electrical Generation Partners, L.L.C.
1420 Church Street, Unit D
Bohemia, New York 11716

I also certify that I sent copies of the Request for Information by first class mail to:

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

on the 9th day of February, 2010.



Betty Williams
Administrative Program Assistant
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70091680 0000 7666 5148